GOVERNMENT OF MADRAS.

Scott. II-28—55.000—27-10-52

Health (1953) Department.

M

~~Endorsement~~
~~D.O.~~
~~Memorandum~~
~~Lodged~~

No. 52763/53-2

Dated 8 5 1953.

closed
6
Supt.

FURTHER PAPERS.

Department.	Number.	Series.	Date.
Memorandum - Satisfactory arrangements to remove sullage waters from private premises			

Health

UDIPI,
29-12-1952.

From
U. Shivaraya Shet,
Landlord, Padupet,
UDIPI, (S.Kanara)

The Honourable Chief Minister of Madras State,
M A D R A S.

Sir,

Respectfull submitteth as follows:

1. That I am a resident of Udipi town in the South Kanara District and my residence is situated in the Crowded locality of the town which can be called old Udipi.

2. That the entire area in which my residence is situated is about 6 cents. This property was purchased by me in court auction in R.E.P. 52/1919 on the file of the District Munsif of Udipi and since then I have been in possession and enjoyment of these 6 cents in which I have constructed a pucca tiled structure.

3. That the municipal Health Officer of the Udipi Municipality has issued a notice to me on 24-12-52 purporting to be under Section 44 of the Madras Public Health Act 1939 calling upon me to stop the flowing of sullage water from my premises Door No. 10-1-84 to the public roadside on the ground that such flowing of water causes nuisance.

4. That it is respectfully submitted that no sullage water from my premises flows on the public roadside. As stated by me, my entire premises is comprised within an extent of 6 cents, and it is impossible to allow water to drain itself into the adjoining compounds belonging to third parties. The municipality feels that it is the duty of private individuals to remove sullage water, when such is not the case, because it is the primary duty of the municipality to make satisfactory arrangements to remove sullage water from private premises.

5. That my right to allow sullage water to drain

itself into the public channel has been perfected by me for the past 33 years or even more. That no objections were raised by the muhicipality or any local Board at any time, and it is surprising that the municipal Health Officer has thought it fit to issue the notice aforesaid.

6. That in the crowded locality of Udipi Town water is naturally allowed to drain into the public channel. There is no drainage system in Udipi, and hence it is impossible to comply with the suggestions of the municipal Health Officer, and the threatened prosecution will be of no avail under the circumstances.

7. That I am a peace-loving, and law abiding citizen of Udipi. My eldest son is the Professor of Anatomy in the Guntur Medical College. My second son is in the Engineering service (Assistant Engineer, Kozhikode) of the Madras State and hence any prosecution against me will greatly lower me in the estimation of the public of Udipi.

8. That under the circumstances, I most respectfully and humbly submit that even in higger municipalities like Mangalore or anywhere in Akhil Bharat sullage water is allowed to drain into the public channel, and hence the Vigour of the law should not be made a tool in the hands of the municipal authorities to harass innocent people when the same could be administered with reasonableness and equity.

9. For these reasons, I beg to submit that the Udipi Municipal Council is not justified in issuing such a notice, as there is no special law for Udipi and hence I most respectfully beg of you to direct the municipality not to take any further action in the matter.

10. In which act of benevolence and gratitude I shall ever remain grateful.

11. Favourable orders may kindly be issued.

MUNICIPAL OFFICE 13 JAN 1953 UDIPI

OFFICE OF THE DIRECTOR OF PUBLIC HEALTH 12 JAN 1953 MADRAS

Yours faithfully,

Dwtno 5495/a

3162 H9 12/1/53

Copy to-

1. The Collector of South Kanara, MANGALORE.
2. District Health Officer, MANGALORE.
3. The Commissioner, Udipi Municipality.
4. Municipal Health Officer, UDIPI.

1/H9

Health Department.

DF(3) 9.1.53

Endt No 527 E3/53-1 Health dt 10.1.53

Referred to the Director of Public Health for Remarks. (By order).

K Somasundaram 9/1/53
Asst. Secretary to Govt.

To
The Director of Public Health
(with pp 1-3 above to be returned with Reply)

CP 8.1.53

8/1/53

VOW TDE

L.Dis.No.22718-2-Hyg(1)/53. Office of the Director of Public Health, Madras, dated: 10-4-53.

Retransmitted.

2. A copy of the letter N.Dis.364/53 dated 13-3-53 of Municipal Health Officer, Udipi is forwarded herewith. I agree with his views. The letting out of sullage from a private premises to a public road or lane, is an offence notwithstanding the absence of a drainage system provided by the local Municipal Council. Necessary instructions have been issued to the Municipal Health Officer to take proper action in the matter.

22590

DEPUTY SECRETARY 28 APL 1953 HEALTH DEPARTMENT

For DIRECTOR OF PUBLIC HEALTH.

To

The Secretary to Government,
Health Department,
Madras.

Copy of letter No.N.Dis.364/53, dated 13-3-53 of the Municipal Health Officer, Udipi to the Director of Public Health, Madras.

Resubmitted to the Director of Public Health, Madras with following remarks on the petition enclosed.

In the last week of 1952 an intensive sanitation drive was started to improve the sanitation of Udipi Municipality by intensive propaganda and house to house visits. Weekly (every sunday) personal and special cleaning campaign along with Swatcha Bharat Volunteers and issue of notices where absolutely necessary for abatement of nuisances and proposals were also submitted to the municipal Council for repair and construction of public drains where necessary and possible.

The notices issued have been only 10 in a population of 22000. Along with councillors and public spirited citizens I have gone personally to some to arrive at a suitable and equitable solution of vexacious problems of nuisance. Most of these have rectified defects pointed out or co-operated by sending part contributions to the Commissioner for drainage construction fund and the council has accordingly sanctioned construction where contributions have been received as the council funds have not been adequate to meet the situation. Only one prosecution had to be launched as the construction which was causing nuisance on the roadside was a new irregular and unlicenced construction.

The petition Sri U.Shivaraya Shet is the only person who has refused any co-operation and has been going round saying that he will continue to let out sewage and sullage into the roadside surface kutcha drain as it is a namool which he says he has perfected in 33 years. He has not been prosecuted so far. He has been given suggestions by notice to abate the nusisance by construction of a pucca impervious drain from his house to the nearest properly budlt public drain which is only 30 feet off. He has refused to do so.

He is a resident of Udipi and the residence is in Padupet which is a narrow street 10 feet broad, and is an old one. He has been letting out sewage as well as sullage into the surface kutcha drain at one end of the front of his house. The sullage and sewage soak into the street side. The area of his house maybe 6 cents but it is built improperly over with cowshed, latrine and bath or living rooms in such a way that sewage and sullage are all led to the street side surface drain which is an offence according to Sec.34 of the P.H.Act. The next door neighbour h... complaint

CE 23/4

smell of these discharges coming from Mr.Shivaraya Shet's house and stagnating or slowly flowing along the unbuilt surface drain in front of his house. The side of Padupet street also gets soaked by these offensive discharges. He is also not willing to adopt the suggestion given to him in writing to construct an impervious drain from his home to a distance of 30 feet only where a cemented built up drain begins. He is a moneyed man and has been going about saying to all that he will fight out to the highest Courts his 'perfected mamool' right to lead sewage and sullage into the street from where it is the duty of the Municipality to remove all offensive matter. In this municipality, the car street drain is the only public drain that can be called so. The sides of the other roads are all kutcha shallow unbuilt rain water surface drains only where liquid matter will stagnate, giving out offensive smell and breeding mosquitoes if not properly attended to.

I request instructions how this problem maybe solved. If this kind of letting out sewage and sullage into surface unbuilt, ~~side~~ drains is allowed to continue without suitable rectifications, others will follow suit and it will be most difficult and sometimes impossible to maintain proper sanitation and mosquito control, with the present inadequate resources of staff, equipment and funds.

/True copy/

oc.

20/4/53

21/4/53

For Director of Public Health,
Madras.

Health (E3) Dept

dd 1-3 cf

CNo 527/E3/53 – From Sri. U Shivaraya Shet, Landlord Padupet Udipi, dt. 29.12.53

dd 5-7 cf From the DOH., Lr No. L Dis 22718-2 Hyg(1)53 dt 14.4.53

Subject

Pn – Smt. Kamala Dt – Udipi Municipality – Nuisance caused by letting out sullage water into a public road – Petition of Sri U Shivaraya Shet of Padupet, Udipi – Interference declined

Memo No 527 E3/53-2. Health dt. 8.5.53.

The Govt decline to interfere in the matter.

To
Sri. U Shivaraya Shet
Landlord, Padupet
Udipi

The DOH.

dd 5-6 cf

Note:– From the facts of the case referred by the DOH no interference is called for